

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KRISTIE JOHNSON, et al.,

Plaintiffs,

v.

BRANDI MONTS,

Defendant.

Case Nos. 3:23-cv-05972-TMC;

3:23-cv-05973-TMC

ORDER CONSOLIDATING CASES

KRISTIE JOHNSON, et al.,

Plaintiffs,

v.

SUE BIRCH,

Defendant.

This matter comes before the Court at the recommendation of Magistrate Judge David Christel. *Johnson, et al. v. Birch*, 3:23-cv-05973-TMC (“*Birch*”), Dkt. 6. In his Order Granting Applications to Proceed In Forma Pauperis, Judge Christel recommended review as to whether the Court should consolidate *Birch* and *Johnson, et al. v. Monts*, 3:23-cv-5972-TMC (“*Monts*”). *See Birch*, Dkt. 6. Having reviewed the complaints and the balance of the records in the above-

captioned matters, the Court CONSOLIDATES both actions for all purposes, including trial.

Under Federal Rule of Civil Procedure 42(a), a court may consolidate “actions before the court [that] involve a common question of law or fact.” Courts have broad discretion to consolidate cases pending in the same district. *Garity v. APWU Nat’l Labor Org.*, 828 F.3d 848, 855–56 (9th Cir. 2016). A court may consolidate actions sua sponte, without a motion from the parties. *See In re Adams Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987) (“[C]onsolidation is within the broad discretion of the district court . . . and trial courts may consolidate cases sua sponte.”).

Here, Plaintiffs name a different defendant in each case, but the two complaints are otherwise identical and contain the same factual allegations and legal claims. *Compare Monts*, Dkt. 7 *with Birch*, Dkt. 7. The cases thus share common questions of law and fact. *See* Fed. R. Civ. P. 42(a). Moreover, consolidating the cases would serve “judicial economy,” “expedite resolution of the case,” and avoid “inconsistent results.” 9 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2383 (3d ed., Apr. 2022 Update).

Accordingly, the Court hereby ORDERS:

- *Johnson, et al. v. Monts*, 3:23-cv-5972-TMC and *Johnson, et al. v. Birch*, 3:23-cv-05973-TMC are CONSOLIDATED for all purposes, including trial.
- All future filings in this consolidated action must be filed under case number 3:23-cv-05972-TMC, with the following caption: *Kristie Johnson, et al. v. Brandi Monts and Sue Birch*, 3:23-cv-05972-TMC.
- The Clerk is DIRECTED to administratively close *Johnson, et al. v. Birch*, 3:23-cv-05973-TMC.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party’s last known address.

1 Dated this 10th day of January, 2024.

2 
3 _____

4 Tiffany M. Cartwright
5 United States District Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24